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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,274	06/06/2001	Tandy G. Willeby	017402.000006	5164

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EXAMINER

KLIMACH, PAULA W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/874,274	Applicant(s) WILLEBY, TANDY G.	
	Examiner Paula W. Klimach	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/05 has been entered.

Response to Arguments

Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive because of following reasons.

In response to applicant's argument that there is no suggestion to combine Jalili and Mizoguchi, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is because this would allow the display of decoy images.

The examiner asserts that Jalili and Mizoguchi do teach or suggest the subject matter broadly recited in independent Claims 25 and 39. Dependent Claims 26-38 and 40-43 are also

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rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, rejections for claims 25-43 are respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (6,209,104) in view of Mizoguchi (20040030934).

In reference to claim 25 Jalili discloses a system and method for receiving a secure pass code from a user (abstract) comprising the steps of: displaying an image wherein each graphical image may be defined as an array of addresses (Fig. 6) such that each pixel of the graphical image may be identified by a corresponding address (column 7 lines 15-67); recording an address corresponding to part of the information for each graphical image (column 8 lines 55-62); transferring the addresses to a processor (column 8 lines 55-60); processing each address to generate the corresponding part of the information (column 8 lines 60-67); and processing the part of the information to generate the information (column 9 lines 1-10).

However Jalili does not disclose the display of a sequence of graphical images.

Mizoguchi discloses a system that displays a sequence of graphical images (page 3 paragraph 0034-0035).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the sequence of graphical images as disclosed by Mizoguchi in the system of Jalili. One of ordinary skill in the art would have been motivated to do this because this would allow the display of decoy images.

In reference to claims 39 Jalili discloses a system and method for receiving a secure pass code from a user (abstract) comprising the steps of: a) displaying a mappable graphic keypad image in a portion of a window of a display device (Fig. 9), the mappable graphic keypad image including a plurality of icons arranged in a first configuration, each of the icons having coordinates within the mappable graphic keypad image and a part of the information associated therewith (Fig. 7 and Fig. 6 and corresponding disclosure); b) detecting a user input selecting an icon of the mappable graphic keypad image (column 8 lines 55-67); c) determining the coordinates within the mappable graphic keypad image associated with the selected icon (column 9 lines 23-25); d) transferring the coordinates within the mappable graphic keypad image associated with the selected icon to a processor (column 9 lines 26-34);

Although Jalili discloses displaying a next mappable graphic keypad image and the detection of the selected user input, Jalili does not expressly disclose a sequence of the plurality images and the next image including the plurality of icons arranged in a next configuration.

Mizoguchi discloses a system that displays a sequence of graphical images and the images arranged in the next configuration (page 3 paragraph 0034-0035).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the sequence of graphical images as disclosed by Mizoguchi in the system

of Jalili. One of ordinary skill in the art would have been motivated to do this because this would allow the display of decoy images.

In reference to claims 26 and 41 wherein said information comprises identification formation (column 8 lines 55-65).

In reference to claim 27 wherein said identification information is a PIN (column 8 lines 55-65).

In reference to claim 28 wherein said sequence of graphical images comprise graphical images representing keypads (column 6 line 65 to column 7 line 6).

In reference to claim 29 wherein said graphical images representing keypads include representation of pseudorandom arrangements of keys (column 6 line 28 to column 7 line 6)

In reference to claim 30 wherein said address corresponds to a cursor address (Fig. 6).

In reference to claim 31 wherein said cursor address is selected by pressing a button (column 8 lines 42-55).

In reference to claim 32 wherein said address corresponds to a symbol on a graphical image (column 9 lines 23-25).

In reference to claim 33 wherein said part of said information is a symbol (column 9 lines 23-25).

In reference to claim 34 comprising the step of authenticating a user based on said information (column 8 lines 1-41).

In reference to claim 35 wherein said step of authenticating is performed by a financial institution (column 9 lines 58-67).

In reference to claims 36 and 43 wherein the symbols are alpha-numeric keypad (column 8 lines 23-32).

In reference to claim 37 wherein the keypad is an alpha-numeric keypad (column 8 lines 23-32).

In reference to claim 38 wherein the keypad is a numeric keypad (column 8 lines 23-32).

In reference to claim 40 processing each transferred coordinate to generate a corresponding part of the information at the processor (Fig. 6); and processing said corresponding parts of said information to generate said information (column 9 lines 26-34).

In reference to claim 42 wherein said coordinate comprises a code indicating a location on the mappable graphic keypad image the user input has selected, the location on the mappable graphic keypad image only determinable from the code at the processor (Fig. 7 and Fig. 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK

Saturday, January 21, 2006


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